

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oysters since it was not thoroughly drained, and in the preparation of the article, the total time of contact with fresh water after leaving the shucker was more than 30 minutes; and, Section 403 (e) (2), (oysters standards only) the product failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "1 Pint" was inaccurate.

DISPOSITION: January 18, 1952. Default decree of condemnation and destruction.

18971. Adulteration and misbranding of oysters. U. S. v. 280 Cans * * *.
(F. D. C. No. 32105. Sample 3997-L.)

LIBEL FILED: November 20, 1951, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about November 14, 1951, by the Crisfield Packing Co., from Crisfield, Md.

PRODUCT: 280 pint cans of oysters at Monroe, Mich.

LABEL, IN PART: "Oysters Standards."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oysters standards since it was not thoroughly drained.

DISPOSITION: January 25, 1952. Default decree of condemnation and destruction.

18972. Adulteration and misbranding of oysters. U. S. v. 160 Cans * * *.
(F. D. C. No. 32591. Sample No. 26180-L.)

LIBEL FILED: On or about January 18, 1952, Northern District of Texas.

ALLEGED SHIPMENT: On or about January 8, 1952, by Port Norris Oyster Co., Inc., from Port Norris, N. J.

PRODUCT: 160 pint cans of oysters at Abilene, Tex.

LABEL, IN PART: "Coast-Pact Oysters * * * Oysters Standards."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oysters standards since it was in contact with water for more than 30 minutes after leaving the shucker.

DISPOSITION: March 18, 1952. Default decree of condemnation and destruction.

18973. Adulteration of breaded shrimp. U. S. v. 162 Cases * * *. (F. D. C. No. 32103. Sample No. 15710-L.)

LIBEL FILED: On or about November 20, 1951, Western District of Missouri.

ALLEGED SHIPMENT: On or about August 7, 1951, by Hamilton Foods, Inc., from Chicago, Ill.

PRODUCT: 162 cases, each containing 24 10-ounce cartons, of breaded shrimp at Kansas City, Mo.

LABEL, IN PART: "Hamilton Breaded Fantail Shrimp."
NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: January 16, 1952. Default decree of condemnation. The court ordered that the product be delivered to a municipal institution, for use as hog feed.

18974. Adulteration of canned shrimp. U. S. v. 98 Cases * * *. (F. D. C. No. 32694. Sample No. 22221-L.)

LABEL FILED: February 29, 1952, Northern District of Alabama.

ALLEGED SHIPMENT: On or about January 18, 1951, by the Pelican Oyster & Fish Co., from New Orleans, La.

PRODUCT: 98 cases, each containing 24 5-ounce cans, of shrimp at Birmingham, Ala.

LABEL, IN PART: "Frostie Brand Medium Wet Pack Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

DISPOSITION: March 20, 1952. The shipper having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration. 42 cases of the product were released to the claimant as fit for consumption and the remainder destroyed.

FRUITS AND VEGETABLES*

CANNED FRUIT

18975. Adulteration of canned cherries. U. S. v. 44 Cases * * *. (F. D. C. No. 33448. Sample No. 8711-L.)

LABEL FILED: July 1, 1952, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 30, 1949, from Fruitvale, Calif.

PRODUCT: 44 cases, each containing 24 1-pound, 13-ounce cans, of cherries at Altoona, Pa. Examination showed that the product was undergoing decomposition.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 21, 1952. Default decree of condemnation and destruction.

18976. Misbranding of canned peaches. U. S. v. 398 Cases * * *. (F. D. C. No. 33042. Sample No. 41818-L.)

LABEL FILED: April 17, 1952, Northern District of New York.

ALLEGED SHIPMENT: On or about March 11, 1952, by the Richmond-Chase Co., from Stockton, Calif.

*See also No. 18952.